

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES R. BERKLEY, 3540  
WASHINGTON, LLC,

Plaintiffs,

vs.

MATINA REALTY, LLC, FOUNTAIN  
LIFE MANAGEMENT, LLC, FOUNTAIN  
LIFE HOLDINGS, LLC,

Defendants.

2:21-CV-00925-CCW

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On July 13, 2023, the Magistrate Judge issued a Report, ECF No. 94, recommending that the Court deny Fountain Life Management, LLC's and Fountain Life Holdings, LLC's Motion to Dismiss Plaintiffs' Second Amended Complaint, ECF No. 80. Service of the Report and Recommendation ("R&R") was made on the parties, and Fountain Life Management, LLC and Fountain Life Holdings, LLC have filed Objections. *See* ECF No. 95.

After a *de novo* review of the pleadings and documents in the case, together with the R&R and the Objections thereto, the following Order is entered: Fountain Life Management, LLC's and Fountain Life Holdings, LLC's Motion to Dismiss Plaintiffs' Second Amended Complaint, ECF No. 80, is **DENIED** and the R&R, ECF No. 94, is adopted as the Opinion of the District

Court. Fountain Life Management, LLC and Fountain Life Holdings, LLC shall file an answer on or before **September 14, 2023**.

IT IS SO ORDERED.

DATED this 31st day of August, 2023.

BY THE COURT:

/s/ Christy Criswell Wiegand  
CHRISTY CRISWELL WIEGAND  
United States District Judge

cc (via ECF email notification):

All Counsel of Record